

House File 516

H-1276

1 Amend the Senate amendment, H-1238, to House File 516, as  
2 amended, passed, and reprinted by the House, as follows:

3 1. Page 11, before line 24 by inserting:

4 <DIVISION \_\_\_\_

5 PRIVILEGES OF ELECTORS

6 Sec. \_\_\_\_\_. Section 39.3, subsection 8, Code 2017, is amended  
7 to read as follows:

8 8. "*Infamous crime*" means ~~a felony~~ election misconduct in  
9 the first degree that is vote fraud as defined described in  
10 section 701.7 39A.2, subsection 1, paragraph "b", or an offense  
11 classified as a felony under federal law and shall not include  
12 any misdemeanor or other felony. A person's disqualification  
13 on account of the person's conviction of an infamous crime  
14 pursuant to Article II, section 5 of the Constitution of the  
15 State of Iowa is limited in duration to the period of the  
16 person's sentence, and the person's right to vote is restored  
17 automatically upon the person's successful discharge of the  
18 criminal conviction, including any period of probation or  
19 parole, regardless of the person's payment of fines, fees, or  
20 restitution.

21 Sec. \_\_\_\_\_. Section 39A.1, subsection 2, Code 2017, is amended  
22 to read as follows:

23 2. The purpose of **this chapter** is to identify actions which  
24 threaten the integrity of the election process and to impose  
25 significant sanctions upon persons who intentionally commit  
26 those acts. It is the intent of the general assembly that  
27 offenses with the greatest potential to affect the election  
28 process be vigorously prosecuted and strong punishment meted  
29 out through the imposition of felony sanctions ~~which, as~~  
30 ~~a consequence, remove the voting rights of the offenders.~~  
31 Other offenses are still considered serious, but based on the  
32 factual context in which they arise, they may not rise to  
33 the level of offenses to which felony penalties attach. The  
34 general assembly also recognizes that instances may arise in  
35 which technical infractions of **chapters 39 through 53** may

1 occur which do not merit any level of criminal sanction.  
2 In such instances, administrative notice from the state or  
3 county commissioner of elections is sufficient. Mandates  
4 or proscriptions in [chapters 39 through 53](#) which are not  
5 specifically included in [this chapter](#) shall be considered to be  
6 directive only, without criminal sanction.

7 Sec. \_\_\_\_\_. Section 43.18, subsection 9, Code 2017, is amended  
8 to read as follows:

9 9. A statement that the candidate is aware that the  
10 candidate is disqualified from holding office if the candidate  
11 has been convicted of ~~a felony or other~~ an infamous crime as  
12 defined in section 39.3 and the candidate's rights have not  
13 been restored by the governor or by the president of the United  
14 States.

15 Sec. \_\_\_\_\_. Section 43.67, subsection 2, paragraph i, Code  
16 2017, is amended to read as follows:

17 i. A statement that the candidate is aware that the  
18 candidate is disqualified from holding office if the candidate  
19 has been convicted of ~~a felony or other~~ an infamous crime as  
20 defined in section 39.3 and the candidate's rights have not  
21 been restored by the governor or by the president of the United  
22 States.

23 Sec. \_\_\_\_\_. Section 44.3, subsection 2, paragraph i, Code  
24 2017, is amended to read as follows:

25 i. A statement that the candidate is aware that the  
26 candidate is disqualified from holding office if the candidate  
27 has been convicted of ~~a felony or other~~ an infamous crime as  
28 defined in section 39.3 and the candidate's rights have not  
29 been restored by the governor or by the president of the United  
30 States.

31 Sec. \_\_\_\_\_. Section 45.3, subsection 9, Code 2017, is amended  
32 to read as follows:

33 9. A statement that the candidate is aware that the  
34 candidate is disqualified from holding office if the candidate  
35 has been convicted of ~~a felony or other~~ an infamous crime as

1 defined in section 39.3 and the candidate's rights have not  
2 been restored by the governor or by the president of the United  
3 States.

4 Sec. \_\_\_\_\_. Section 47.7, subsection 2, paragraph a, Code  
5 2017, is amended to read as follows:

6 a. On or before January 1, 2006, the state registrar of  
7 voters shall implement in a uniform and nondiscriminatory  
8 manner, a single, uniform, official, centralized, interactive  
9 computerized statewide voter registration file defined,  
10 maintained, and administered at the state level that contains  
11 the name and registration information of every legally  
12 registered voter in the state and assigns a unique identifier  
13 to each legally registered voter in the state. The state voter  
14 registration system shall be coordinated with other agency  
15 databases within the state, including, but not limited to,  
16 state department of transportation driver's license records,  
17 judicial records of ~~convicted felons~~ persons convicted of  
18 infamous crimes as defined in section 39.3 and persons declared  
19 incompetent to vote, and Iowa department of public health  
20 records of deceased persons.

21 Sec. \_\_\_\_\_. Section 48A.6, subsection 1, Code 2017, is amended  
22 to read as follows:

23 1. A person who has been convicted of ~~a felony~~ an infamous  
24 crime as defined in section 701.7, or convicted of an offense  
25 ~~classified as a felony under federal law 39.3~~. If the person's  
26 rights are later restored by the governor, or by the president  
27 of the United States, the person may register to vote.

28 Sec. \_\_\_\_\_. Section 48A.14, subsection 1, paragraph e, Code  
29 2017, is amended to read as follows:

30 e. The challenged registrant has been convicted of a  
31 ~~felony~~ an infamous crime as defined in section 39.3, and the  
32 registrant's voting rights have not been restored.

33 Sec. \_\_\_\_\_. Section 48A.30, subsection 1, paragraph d, Code  
34 2017, is amended to read as follows:

35 d. The clerk of the district court, or the United States

1 attorney, or the state registrar sends notice of the registered  
2 voter's conviction of ~~a felony~~ an infamous crime as defined  
3 in section ~~701.7, or conviction of an offense classified as a~~  
4 ~~felony under federal law~~ 39.3. The clerk of the district court  
5 shall send notice of such a ~~felony~~ conviction to the state  
6 registrar of voters. The registrar shall determine in which  
7 county the ~~felon~~ convicted person is registered to vote, if  
8 any, and shall notify the county commissioner of registration  
9 for that county of the ~~felony~~ conviction.

10 Sec. \_\_\_\_\_. Section 49.79, subsection 2, paragraph f, Code  
11 2017, is amended to read as follows:

12 *f.* The challenged person has been convicted of ~~a felony~~ an  
13 infamous crime as defined in section 39.3, and the person's  
14 voting rights have not been restored.

15 Sec. \_\_\_\_\_. Section 57.1, subsection 2, paragraph c, Code  
16 2017, is amended to read as follows:

17 *c.* That prior to the election the incumbent had been duly  
18 convicted of ~~a felony~~ an infamous crime, as defined in section  
19 ~~701.7~~ 39.3, and that the judgment had not been reversed,  
20 annulled, or set aside, nor the incumbent pardoned or restored  
21 to the rights of citizenship by the governor under [chapter 914](#),  
22 or by the president of the United States for an infamous crime  
23 under federal law, at the time of the election.

24 Sec. \_\_\_\_\_. Section 161A.5, subsection 3, paragraph b, Code  
25 2017, is amended to read as follows:

26 *b.* Every candidate shall file with the nomination papers  
27 an affidavit stating the candidate's name, the candidate's  
28 residence, that the person is a candidate and is eligible for  
29 the office of commissioner, and that if elected the candidate  
30 will qualify for the office. The affidavit shall also state  
31 that the candidate is aware that the candidate is disqualified  
32 from holding office if the candidate has been convicted of  
33 ~~a felony or other~~ an infamous crime as defined in section  
34 39.3 and the candidate's rights have not been restored by the  
35 governor or by the president of the United States.

1     Sec. \_\_\_\_\_. Section 277.4, subsection 2, paragraph b, Code  
2 2017, is amended to read as follows:

3     **b.** Signers of nomination petitions shall include their  
4 addresses and the date of signing, and must reside in the same  
5 director district as the candidate if directors are elected  
6 by the voters of a director district, rather than at-large.  
7 A person may sign nomination petitions for more than one  
8 candidate for the same office, and the signature is not invalid  
9 solely because the person signed nomination petitions for  
10 one or more other candidates for the office. The petition  
11 shall be filed with the affidavit of the candidate being  
12 nominated, stating the candidate's name, place of residence,  
13 that such person is a candidate and is eligible for the office  
14 the candidate seeks, and that if elected the candidate will  
15 qualify for the office. The affidavit shall also state that  
16 the candidate is aware that the candidate is disqualified from  
17 holding office if the candidate has been convicted of ~~a felony~~  
18 ~~or other~~ an infamous crime as defined in section 39.3 and the  
19 candidate's rights have not been restored by the governor or by  
20 the president of the United States.

21     Sec. \_\_\_\_\_. Section 376.4, subsection 2, paragraph b, Code  
22 2017, is amended to read as follows:

23     **b.** The petition must include the affidavit of the individual  
24 for whom it is filed, stating the individual's name, the  
25 individual's residence, that the individual is a candidate and  
26 eligible for the office, and that if elected the individual  
27 will qualify for the office. The affidavit shall also state  
28 that the candidate is aware that the candidate is disqualified  
29 from holding office if the candidate has been convicted ~~of~~  
30 ~~a felony or other~~ an infamous crime as defined in section  
31 39.3 and the candidate's rights have not been restored by the  
32 governor or by the president of the United States.

33     Sec. \_\_\_\_\_. Section 602.8102, subsection 15, Code 2017, is  
34 amended to read as follows:

35     15. Monthly, notify the county commissioner of registration

1 and the state registrar of voters of persons seventeen and  
2 one-half years of age and older who have been convicted of a  
3 ~~felony~~ an infamous crime, as defined in section 39.3, during  
4 the preceding calendar month or persons who at any time during  
5 the preceding calendar month have been legally declared to be  
6 a person who is incompetent to vote as ~~that term is~~ defined in  
7 section 48A.2.>

8 2. Page 16, line 13, after <elections,> by inserting <the  
9 privileges of electors in order to register to vote, vote, and  
10 hold public office,>

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HUNTER of Polk